

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Terminal Disclaimer to Obviate A Provisional Double Patenting Rejection Over a Pending “Reference” Application accompanied by the Statutory Disclaimer fee under 37 CFR 1.20(d) is enclosed herewith.

The claims stand rejected as being obvious over various references. The Applicants respectfully traverse these rejections.

Briefly, the present application pertains to a double sided optical disc, such as a DVD disc. As explained in the application, a problem with double sided discs is that if one of these discs is inserted into a player, the player cannot read it unless it receives some indication or command to specify in which direction should the disc be rotated. There are several solutions for resolving this problem. One solution claimed herein is to provide an indicia that includes the required information in a machine readable format. Figures 5 and 6 provide some examples of machine readable indicia that may be used for this purpose.

The Examiner takes the position that most of the claims are obvious over Murai over Masuda. The Examiner admits and the Applicants agree that Murai does not talk about a rotation indicia. Moreover, the Applicants would like to emphasize that Murai fails to even appreciate that there is a problem associated with dual discs when inserted into a player.

The Examiner then contends that Masuda discloses the rotation indicia missing from Murai. The Applicants respectfully disagree. Musada discloses a

complex method of writing information on two sides of a disc. The method includes a special scheme for addressing the sectors on the two sides of the disc. There is nothing in Musada that addresses the problem of a player recognizing how to rotate a disc. There is nothing in Musada that can be considered to be a rotational indicia. The Examiner considers element 94 to be such an indicia. However, Musada describes this element as follows:

Reference numeral 94 is a reference mark provided for assuring detection of sector 0 of the lower side and it is detectable using a detection means such as a photocoupler means other than the scanner 1 or 2. However, in the present embodiment, this reference mark is not utilized. Namely, sector 0 is detected by the sector address only.

In other words, the reference numeral 94 is a mark that indicates where the 0 address is located. However that has nothing to do with a rotation indicia. The Examiner also argues that this mark or some other mark on Hiroki constitute an UP or a ‘first side’ indication. However that is not at issue here. The issue here, and the problem being solved is the ability of a player to read a disc having data arranged along an arbitrary spiral on either side. This solution is to provide an indicia that is machine readable to tell the player the direction.

The Examiner’s position that it would be obvious to use the indicia form Musada or Hioki as a rotation indicia is not supported by the references. The references simply fail to mention a player that can play a disc with arbitrary spirals. The references fail to disclose a player that can play a disc that can play either a standard disc or a modified disc (with reverse spirals). The references fail to disclose or appreciate that a disc should be provided with a rotation indicia

that can be used in such a player. In fact all the references teach away from the present invention because in all of them, it is assumed that the player knows a priori the proper direction of rotation for the discs and accordingly, a person reading these references would not perceive that there is a need for an indicia in the first place.

The indicia is further described in some of the dependent claims as being bar codes, BCA marks. The Examiner takes the position that such marks are well known and therefore these claims are obvious. The Applicants respectfully disagree. The issue is not whether these types of marks are well known but whether the combination of the cited references together with the knowledge that bar codes, BCA marks fairly suggest the claimed invention to a person skilled in the art. The Applicants respectfully submit that they do not. At best, all the combination suggests the use of such marks for the specific purposes of Masuda or Hioki. However, the Applicants submit that the connection is untenable because these types of marks would be useless in the suggested combination.

New claims 17-22 describe that the rotation indicia is preferably multivalued and can include a plurality of symbols arranged angularly around the disc, said symbols corresponding to values that increase in one angular direction and decrease in the opposite angular direction or are arranged in a pattern that defines a first sequence of signals when the disc is rotated in one direction and a second sequence of signals when the disc is rotated in the opposite direction. There is nothing in the prior art that suggests such a rotation indicia.

The Commissioner hereby is authorized to charge any fees that may be required in connection with the addition of the new claims to the Firm's Deposit Account No. 07-1730.

It is respectfully submitted that the subject application is now in condition for allowance.

Respectfully submitted

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